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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas Gritzmacher
Serial No. : 10/005,771
Filing Date : November 8, 2001
For : Billing System and Method for Network
Group Art Unit : 3693
Examiner : Sara M. Chandler
Attorney Docket No. : NG(MS)7266

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APPEAL BRIEF

Sir:

Pursuant to the Notice of Appeal filed in this case on May 18, 2007,
Applicant's representative presents this Appeal Brief.

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II. REAL PARTY IN INTEREST

The real party in interest is Northrop Grumman Corporation, as indicated by the Assignment recorded August 23, 2006, Reel/Frame: 013751/0849.

III. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

IV. STATUS OF CLAIMS

Claims 1-9 and 11-37 which are attached in Appendix A, are currently pending in this application. Claim 10 has been canceled. Claims 1, 11-15, 36, and 37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0055291 to Schweitzer ("Schweitzer") in view of U.S. Patent No. 5,548,633 to Kujawa ("Kujawa") and further in view of U.S. Patent No. 5,905,736 to Ronen et al. ("Ronen"). Claims 2 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schweitzer in view of Kujawa, in further view of Ronen and in further in view of U.S. Patent No. 6,516,416 to Gregg et al. ("Gregg"). Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schweitzer in view of Kujawa, in further view of Ronen, in further view of Gregg and in further view of U.S. Patent Application Publication No. 2003/0028884 to Swart et al. ("Swart"). Claims 5, 6, 8 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schweitzer in view of Kujawa, in further view of Ronen and further in view of U.S. Patent No. 6,725,229 to Majewski ("Majewski"). Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schweitzer in view of Kujawa, in further view of Ronen, in further view of Majewski and further in view of Gregg. Claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schweitzer in view of Gregg and in further view of Ronen. Claims 17, 18 and 22-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schweitzer in view of Gregg, in further view of Ronen and in further view of Kujawa. Claims 19-21

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stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schweitzer in view of Gregg, in further view of Ronen, in further view of Kujawa and in further view of Majewski. Claims 29-31, 34 and 35 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Schweitzer in view of Kujawa, and in further view of Gregg. Claim 32 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schweitzer in view of Kujawa, in further view of Gregg, and in further view of Swart. Claim 33 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schweitzer in view of Kujawa, in further view of Gregg and in further view of Majewski. Claim 33 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schweitzer in view of Kujawa, in further view of Gregg and in further view of Majewski. Claim 28 has not been examined by the Examiner.

The rejection of claims 1-9, 11-28 and 36-37 is appealed.

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V. STATUS OF AMENDMENTS

A response to a Final Office Action (hereinafter, "Final Rejection") issued on January 19, 2007 was filed on March 16, 2007. The cancellation of claims 29-35 made after the Final Rejection was not entered by the Examiner. An Advisory Action Before Filing an Appeal Brief (hereinafter, "Advisory Action") dated June 15, 2007 was issued. The Advisory Action indicated that the request for reconsideration set forth in the response to the Final Rejection was considered, but did not place the application in condition for allowance. Additionally, the Advisory Action indicated that the amendments (e.g., claim cancellation) would not place the application in a better form for appeal by materially reducing or simplifying the issues for appeal. A Notice of Appeal was filed May 18, 2007. An amendment was made pursuant to 37 C.F.R. §1.116 on 10 July 2007 requesting that claims 29-35 be canceled.

VI. SUMMARY OF THE CLAIMED SUBJECT MATTER

A. Claim 1

One aspect of the present invention, as recited in claim 1, is directed to a method of billing usage over a network (30 of FIG. 1; Par. [0022]). The method comprises determining when a network interface (54 of FIG. 2) is turned on at a client system (10 of FIG. 1; Par. [0029]). The method also comprises determining when the network interface (54 of FIG. 2) is turned off at the client system (10 of FIG. 1; Par. [0031]). The method further comprises storing, at the client system (10 of FIG. 1), information relating to a time-based bill based on when the network interface (54 of FIG. 2) is turned on and when the network interface (54 of FIG. 2) is turned off (Par. [0029]). The method still further comprises transmitting a call detail record from the client system (10 of FIG. 1) to a billing module (66 of FIG. 2) on a billing system (40 of FIG. 1) based on the information relating to the time-based bill (Par. [0033]).

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B. Claim 5

Claim 5 is directed to the method of claim 1, further comprising launching an application (52 of FIG. 2) based on a menu selection (Par. [0026]).

C. Claim 12

Claim 12 is directed to the method of claim 1, further comprising transmitting a disconnect packet from a client (10 of FIG. 1) to a router device (15 of FIG. 1; Par. [0032]).

D. Claim 16

Another aspect of the invention, as recited in claim 16, is directed to a method comprising connecting a client (10 of FIG. 1) with a content provider (20 of FIG. 1) of a desired content (Par. [0027]). The method also comprises obtaining the desired content from the content provider (20 of FIG. 1; Par. [0027]) and disconnecting the client (10 of FIG. 1) from the content provider (20 of FIG. 1; Par. [0032]). The method further comprises determining an amount of time the client (10 of FIG. 1) is connected to the content provider (20 of FIG. 1; Par. [0029]). The method still further comprises storing information at the client (10 of FIG. 1) related to the determined amount of time (Par. [0029]) and providing, from the client (10 of FIG. 1), the stored information to a billing system (40 of FIG. 1; Par. [0033]).

E. Claim 24

Claim 24 is directed to the method of claim 16, wherein disconnecting the client (10 of FIG. 1) from the content provider (20 of FIG. 1) comprises transmitting a disconnect packet from the client to a router device (15 of FIG. 1; Par. [0032]).

F. Claim 28

Claim 28 is directed to the method of claim 16, wherein the desired content relates to a video file (Par. [0019]).

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G. Claim 36

Still another aspect of the invention, as recited in claim 36 is directed to a program storage device readable by a machine (10 of FIG. 1), tangibly embodying a program of instructions executable by the machine (10 of FIG. 1) to perform a method of billing usage over a network (30 of FIG. 1; Par. [0022]). The method comprises determining when a network interface (54 of FIG. 2) is turned on at a client system (10 of FIG. 1). The method also comprises determining when the network interface (54 of FIG. 2) is turned off at the client system (10 of FIG. 1; Par. [0031]). The method further comprises storing, at the client system (10 of FIG. 1), information relating to a time-based bill based on when the network interface (54 of FIG. 2) is turned on and when the network interface (54 of FIG. 2) is turned off (Par. [0029]). The method yet further comprises providing, from the client system (10 of FIG. 1), the stored information to a billing system (40 of FIG. 2; Par. [0033]).

H. Claim 37

Yet another aspect of the invention, as recited in claim 37 is directed to a computer system (10 of FIG. 1) comprising at least one processing unit, at least one input device, at least one output device and at least one storage device, the storage device that tangibly embodies a program of instructions executable by the processing unit to perform a method of billing usage over a network (30 of FIG. 1; Par. [0022]). The method comprises determining when a network interface (54 of FIG. 2) is turned on (10 of FIG. 1; Par. [0029]). The method also comprises determining when the network interface (54 of FIG. 2) is turned off (Par. [0031]). The method further comprises storing, at the computer system (10 of FIG. 1), information relating to a time-based bill based on when the network interface (54 of FIG. 2) is turned on and when the network interface (54 of FIG. 2) is turned off (Par. [0029]). The method yet further comprises providing the stored information to a billing system (40 of FIG. 1; Par. [0033]).

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VII. GROUND'S OF REJECTION TO BE REVIEWED ON APPEAL

- A. Whether claims 1, 11-15, 36, and 37 are made obvious by Schweitzer in view of Kujawa and further in view of Ronen?
- B. Whether claims 2 and 3 are made obvious by Schweitzer in view Kujawa, in further view of Ronen and in further view of Gregg?
- C. Whether claim 4 is made obvious by Schweitzer in view of Kujawa, in further view of Ronen, in further view of Gregg and in further view of Swart?
- D. Whether claims 5, 6, 8 and 9 are made obvious by Schweitzer in view of Kujawa, in further view of Ronen and in further view of Majewski?
- E. Whether claim 7 is made obvious by Schweitzer in view of Kujawa, in further view of Ronen, in further view of Majewski and in further view of Gregg?
- F. Whether claim 16 is made obvious by Schweitzer in view of Gregg and in further view of Ronen.
- G. Whether claims 17, 18 and 22-27 are made obvious by Schweitzer, in view of Gregg, in further view of Ronen, and in further view of Kujawa?
- H. Whether claims 19-21 are made obvious by Schweitzer in view of Gregg, in further view of Kujawa and in further view of Majewski?
- I. Whether the Examiner has established a prima facie case of obviousness or anticipation of claim 28?

VIII. ARGUMENT

- A. 35 U.S.C. §103(a) rejection of claims 1, 11-15, 36 and 37 as being unpatentable over Schweitzer in view of Kujawa and in further view of Ronen

The Court of Customs and Patent Appeals has held that to establish prima facie obviousness of a claimed invention, all the claimed limitations must be

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taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

1. The Obviousness Rejection of claims 1, 36 and 37

Claims 1, 36 and 37 are patentable over Schweitzer taken in view of Kujawa and in further view of Ronen for at least the following reasons:

a. Schweitzer taken in view of Kujawa and in further view of Ronen does not teach or suggest storing, at a client system (or a computer system), information related to a time-based bill, as recited in claims 1 and 36-37.

Schweitzer taken in view of Kujawa and in further view of Ronen does not teach or suggest storing, at a client system (or a computer system), information related to a time-based bill, as recited in claims 1 and 36-37. The Examiner contended in the Final Rejection that Ronen discloses this element of claims 1 and 36-37 (See Final Rejection, Page 4). Applicant's representative respectfully disagrees. Ronen discloses that billing transactions are handled by an Internet Service Provider ("ISP"), an Internet Access Provider ("IAP") and a transaction server (See Ronen, Abstract). However, Ronen fails to teach or suggest storing, at a client system, (or a computer system) information relating to a time-based bill, as recited in claims 1 and 36-37. In claims 1 and 36-37, the same system (the client system, and the computer system, respectively) for which a network interface is determined to be turned off or on, stores information related to a time-based bill. In contrast, Ronen discloses that in response to a chargeable transaction, the ISP transmits an Internet Protocol ("IP") address of a user making the chargeable transaction and the cost associated with the transaction to a billing platform (See Ronen, Col. 2, Lines 13-16). Neither the billing platform nor the ISP disclosed in Ronen corresponds to the client system (or the computer system) recited in claims 1 and 36-37. Additionally, neither Schweitzer nor Kujawa make up for the aforementioned deficiencies of Ronen. Schweitzer is

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related to a system for charging IP usage (See Schweitzer, Abstract), while Kujawa is related to controlling access to computer resources using an untrusted network (See Kujawa, Abstract). However, none of the cited art teaches or suggest storing, at a client system (or a computer system), information related to a time-based bill, as recited in claims 1 and 36-37.

b. Schweitzer taken in view of Kujawa and in further view of Ronen fails to teach or suggest transmitting a time-based bill from a client system (or a computer system), as recited in claims 1 and 36-37.

Additionally, since Schweitzer taken in view of Kujawa and in further view of Ronen fails to teach or suggest storing information related to a time-based bill at the client system (or a computer system), Schweitzer taken in view of Kujawa and in further view of Ronen also fails to teach or suggest transmitting the time-based bill from the client system (or a computer system), as recited in claims 1 and 36-37. Instead, in Ronen (which the Examiner contended discloses this element of claims 1 and 36-37) the ISP signals a transaction server to bill an account associated with a client's IP address (See Ronen, Col. 7, Lines 61-64). Therefore, Schweitzer taken in view of Kujawa and in further view of Ronen fails to teach or suggest each and every element of claims 1 and 36-37.

Accordingly, for the reasons stated above, Schweitzer taken in view of Kujawa and in further view of Ronen does not make claims 1, 36 and 37 obvious. Therefore, claims 1, 36 and 37 should be patentable over the cited art. Thus, it is respectfully requested that the rejection of claims 1, 36 and 37 be withdrawn.

2. The Obviousness Rejection of Claim 11

Claim 11 depends from claim 1 and is patentable over Schweitzer taken in view of Kujawa and in further view of Ronen for at least the same reasons as claim 1, and for the specific elements recited therein. Accordingly, withdrawal of the rejection of claim 11 is respectfully requested.

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3. The Obviousness Rejection of Claim 12

Claim 12 depends from claim 1. Accordingly, claim 12 is not made obvious for at least the same reasons stated above with respect to claim 1, and for the following reasons:

Schweitzer taken in view of Kujawa and in further view of Ronen does not teach or suggest transmitting a disconnect packet from a client to a router device, as recited in claim 12.

Schweitzer taken in view of Kujawa and in further view of Ronen does not teach or suggest transmitting a disconnect packet from a client to a router device, as recited in claim 12. The Examiner contended in the Final Rejection that Schweitzer discloses this element of claim 12 (See Final Rejection, Page 5 citing FIGs. 1a, 5, and Pars. [0004]-[0011], [0015], [0049] and [0057] of Schweitzer). Applicant's representative respectfully disagrees. Schweitzer discloses a system for network accounting (See Schweitzer, Par. [0002]). None of the cited sections of Schweitzer teach or suggest any structure or process that corresponds to a disconnect packet, as recited in claim 12.

Additionally, on page 17 of the Final Rejection, the Examiner contended that transmitting a disconnect packet from a client to a router device is an inherent limitation of the prior art. Applicant's representative respectfully submits that transmitting a disconnect packet from a client to a router device, as recited in claim 12, is neither explicitly disclosed, nor inherently disclosed by the cited art. As an example, one of ordinary skill in the art would recognize that a system using a time out mechanism would not necessarily transmit a disconnect packet.

Moreover, assuming *arguendo* that transmitting a disconnect packet from a client to a router device is an inherent limitation of the prior art, Applicant's representative respectfully asserts that claim 12 is being rejected on a basis of obviousness, not anticipation. Arguments based on "inherent" properties can not stand when there is no supporting teaching in the prior art since inherency and

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obviousness are distinct concepts. *In re Dillon* 919 F.2d 688, 919 F.2d 688, 718, 16 U.S.P.Q.2D 1897 (Fed. Cir. 1990). Therefore, Schweitzer taken in view of Kujawa and in further view of Ronen does not teach or suggest transmission of a disconnect packet from a client to a router, as recited in claim 12. Accordingly, claim 12 is not made obvious by Schweitzer taken in view of Kujawa and in further view of Ronen. Therefore, withdrawal of the rejection of claim 12 is respectfully requested.

4. The Obviousness Rejection of Claims 13-15

Claims 13-15 depend either directly or indirectly from claim 1 and are not made obvious by Schweitzer taken in view of Kujawa and in further view of Ronen for at least the same reasons as claim 1 and for the specific elements recited therein. Accordingly, withdrawal of the rejection of claims 13-15 is respectfully requested.

B. 35 U.S.C. §103(a) rejection of claims 2 and 3 as being unpatentable over Schweitzer in view of Kujawa, in further view of Ronen and in further view of Gregg

Claims 2 and 3 depend from claim 1. In rejecting claims 2 and 3, the Examiner has cited Gregg for disclosure of providing a registered subscriber access to protected contents (See Final Rejection, Page 9, citing Col. 1, Lines 47-67 and Col. 4, Lines 1-5 of Gregg). However, the addition of Gregg does not make up for the aforementioned deficiencies of Schweitzer taken in view of Kujawa and in further view of Ronen with respect to claim 1, from which claims 2 and 3 depend. Accordingly, claims 2 and 3 are patentable over the cited art. Therefore, withdrawal of the rejection of claims 2 and 3 is respectfully requested.

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C. 35 U.S.C. §103(a) rejection of claim 4 as being unpatentable over Schweitzer in view of Kujawa, in further view of Ronen, in further view of Gregg and in further view of Swart

Claim 4 depends from claims 3, 2 and 1. In the rejection of claim 4, the Examiner has cited Swart for disclosing a video file (See Final Rejection, Page 10, citing the Abstract and Par. [0019] of Swart). However, the addition of Swart does not make up for the aforementioned deficiencies of Schweitzer taken in view of Kujawa, in further view of Ronen and in further view of Gregg with respect to claims 3, 2 and 1, from which claim 4 depends. Accordingly, claim 4 is patentable over the cited art. Therefore, withdrawal of the rejection of claim 4 is respectfully requested.

D. 35 U.S.C. §103(a) rejection of claims 5, 6, 8 and 9 as being unpatentable over Schweitzer in view of Kujawa, in further view of Ronen and in further view of Majewski

1. The Obviousness Rejection of Claim 5

Claim 5 depends from claim 1. Accordingly, claim 5 is patentable over the cited art for at least the same reasons as claim 1, and for the following reasons:

Schweitzer taken in view of Kujawa, in further view of Ronen and in further view of Majewski fails to teach or suggest launching an application based upon a menu selection, as recited in claim 5.

Schweitzer taken in view of Kujawa, in further view of Ronen and in further view of Majewski fails to teach or suggest launching an application based upon a menu selection, as recited in claim 5. The Examiner contended in the Final Rejection that Majewski discloses this element of claim 5 (See Final Rejection, Page 11, citing FIGs. 5 and 6 and Col. 10, Lines 22-35 of Majewski). Applicant's representative respectfully disagrees. FIG. 5 of Majewski provides an exemplary flowchart of the functions supported by configuration utility software (See Majewski Col. 9, Line 58 to Col. 10, Line 1). The features described in the cited

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section of Majewski do not include launching an application. Instead, the features include configuring a loader application, reviewing daily activity, and canceling an application (See Majewski Figs 5, 6 and Col. 9 Line 57-Col. 10, Line 47). Therefore, Schweitzer taken in view of Kujawa, in further view of Ronen and in further view of Majewski does not make claim 5 obvious. Therefore, withdrawal of the rejection of claim 5 is respectfully requested.

b. The Obviousness rejection of claims 6, 8 and 9

Claims 6, 8 and 9 depend either directly or indirectly from claims 5 and 1. Schweitzer taken in view of Kujawa, in further view of Ronen and in further view of Majewski do not make claims 6, 8 and 9 obvious for at least the same reasons as claims 5 and 1, and for the specific elements recited therein. Accordingly, claims 6, 8 and 9 should be patentable over the cited art. Therefore, withdrawal of the rejection of claims 6, 8 and 9 is respectfully requested.

E. 35 U.S.C. §103(a) rejection of claim 7 as being unpatentable over Schweitzer in view of Kujawa, in further view of Ronen, in further view of Majewski and in further view of Gregg

Claim 7 depends from claims 5 and 1. In rejecting claim 7, the Examiner has cited Gregg for disclosure of providing a registered subscriber access to protected contents (See Final Rejection, Page 9, citing Col. 1, Lines 47-67 and Col. 4, Lines 1-5 of Gregg). However, the addition of Gregg does not make up for the aforementioned deficiencies of Schweitzer taken in view of Kujawa, in further view of Ronen, and in further view of Majewski with respect to claims 5 and 1, from which claim 7 depends. Accordingly, claim 7 should be patentable over the cited art. Therefore, withdrawal of the rejection of claim 7 is respectfully requested.

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F. 35 U.S.C. §103(a) rejection of claim 16 as being unpatentable over Schweitzer in view of Gregg and in further view of Ronen

Claim 16 is patentable over Schweitzer taken in view of Gregg and in further view of Ronen for at least the following reasons:

Schweitzer taken in view of Gregg and in further view of Ronen does not teach or suggest storing information at a client related to a determined amount of time, as recited in claim 16.

Schweitzer taken in view of Gregg and in further view of Ronen does not teach or suggest storing information at a client related to a determined amount of time, as recited in claim 16. The Examiner contended in the Final Rejection that Ronen discloses this element of claim 16 (See Final Rejection, Page 12). Applicant's representative respectfully submits that the Examiner has misinterpreted Ronen.

Ronen discloses that billing transactions are handled by an ISP, an IAP and a transaction server (See Ronen, Abstract). However, Ronen fails to teach or suggest storing, at a client system, information relating to a determined amount of time, as recited in claim 16. In claim 16, the same system (the client) for which a network interface is determined to be turned off or on, stores information related to the determined amount of time. In contrast, Ronen discloses that in response to a chargeable transaction, the ISP transmits an IP address of a user making the chargeable transaction and the cost associated with the transaction to a billing platform (See Ronen, Col. 2, Lines 13-16).

Neither the billing platform nor the ISP disclosed in Ronen corresponds to the client system recited in claim 16. Accordingly, Schweitzer taken in view of Gregg and in further view of Ronen does not teach or suggest each and every element of claim 16. Thus, claim 16 is not made obvious by Schweitzer taken in view of Gregg and in further view of Ronen, and claim 16 should be patentable

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over the cited art. Therefore, withdrawal of the rejection of claim 16 is respectfully requested.

G. 35 U.S.C. §103(a) rejection of claims 17, 18 and 22-27 as being unpatentable over Schweitzer in view of Gregg, in further view of Ronen and in further view of Kujawa

a. The Obviousness rejection of claims 17, 18 and 22-23

Claims 17, 18 and 22-23 depend either directly or indirectly from claim 16. The further addition of Kujawa does not make up for the aforementioned deficiencies of Schweitzer taken in view of Gregg and in further view of Ronen with respect to claim 16, from which claims 17, 18 and 22-23 depend. Accordingly, claims 17, 18 and 22-23 should be patentable over the cited art. Therefore, withdrawal of the rejection of claims 17, 18 and 22-23 is respectfully requested.

b. The Obviousness rejection of claim 24

Claim 24 depends from claim 16. Accordingly, claim 24 is patentable over the cited art for at least the same reasons as claim 16, and for the following reasons.

The further addition of Kujawa does not make up for the aforementioned deficiencies of Schweitzer taken in view of Gregg and in further view of Ronen with respect to claim 16, from which claim 24 depends. Additionally, Schweitzer taken in view of Gregg, in further view of Ronen, and in further view of Kujawa fails to teach or suggest transmitting a disconnect packet from a client to a router device, as recited in claim 24. Applicant's representative respectfully submits that transmitting a disconnect packet from a client to a router device, as recited in claim 24, is not taught or suggested by Schweitzer, in contrast to the contentions of the Examiner (See Final Rejection, Page 13, Citing the rejection of claim 12). Additionally, in the Final Rejection, the Examiner contended that the prior art inherently discloses transmitting a disconnect packet (See Final Rejection, Page

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17). Applicant's representative respectfully disagrees. As an example, one of ordinary skill in the art would recognize that a system using a time out mechanism would not necessarily transmit a disconnect packet.

Moreover, Applicant's representative respectfully asserts that claim 24 was rejected as being made obvious, not as being anticipated. Arguments based on "inherent" properties can not stand when there is no supporting teaching in the prior art since inherency and obviousness are distinct concepts. *In re Dillon* 919 F.2d 688, 919 F.2d 688, 718, 16 U.S.P.Q.2D 1897 (Fed. Cir. 1990). Accordingly, any arguments made by the Examiner based on the inherent properties of the cited art are irrelevant for purposes of obviousness. Therefore, Schweitzer taken in view of Gregg, in further view of Ronen, and in further view of Kujawa does not teach or suggest each and every element of claim 24. Accordingly, Schweitzer taken in view of Gregg and in further view of Ronen does not make claim 24 obvious, and withdrawal of the rejection of claim 24 is respectfully requested.

c. The Obviousness rejection of claims 25-27

Claims 25-27 depend either directly or indirectly from claim 16. The further addition of Kujawa does not make up for the aforementioned deficiencies of Schweitzer taken in view of Gregg, and in further view of Ronen with respect to claim 16, from which claims 25-27 depend. Accordingly, claims 25-27 should be patentable over the cited art. Therefore, withdrawal of the rejection of claims 25-27 is respectfully requested.

H. 35 U.S.C. §103(a) rejection of claims 19-21 as being unpatentable over Schweitzer in view of Gregg, in further view of Ronen in further view of Kujawa and in further view of Majewski

Claims 19-21 depend from claim 16. The further additions of Kujawa and Majewski do not make up for the aforementioned deficiencies of Schweitzer taken in view of Gregg and in further view of Ronen, with respect to claim 16,

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from which claims 19-21 depend. Accordingly, Schweitzer taken in view of Gregg, in further view of Ronen, in further view of Kujawa, and in further view of Majewski does not make claims 19-21 obvious, and claims 19-21 should be patentable over the cited art. Therefore, withdrawal of the rejection of claims 19-21 is respectfully requested.

I. The Rejection of claim 28

No specific arguments have been presented by the Examiner for the rejection of claim 28. However, claim 28 depends from claim 16 and is not made obvious by the cited art for at least the same reasons as claim 28 and for the specific elements recited therein. Accordingly, reconsideration and allowance of claim 28 is respectfully requested.

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IX. APPENDICES

The first attached Appendix contains a copy of the claims on appeal.

The second and third Appendices have been included to comply with statutory requirements.

Please charge any deficiency or credit any overpayment in the fees for this Appeal Brief to Deposit Account No. 20-0090.

Respectfully submitted,



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Claims Appendix

Claim 1 (Finally Rejected) A method of billing usage over a network, said method comprising:

determining when a network interface is turned on at a client system;

determining when said network interface is turned off at the client system;

storing, at the client system, information relating to a time-based bill based on when the network interface is turned on and when the network interface is turned off; and

transmitting a call detail record from the client system to a billing module on a billing system based on the information relating to said time-based bill.

Claim 2 (Finally Rejected) The method of claim 1, further comprising obtaining desired information across said network while said network interface is on.

Claim 3 (Finally Rejected) The method of claim 2, wherein obtaining said information comprises encrypting said information, transmitting said encrypted information across said network, and decrypting said encrypted information.

Claim 4 (Finally Rejected) The method of claim 3, wherein said information relates to a video file.

Claim 5 (Finally Rejected) The method of claim 1, further comprising launching an application based on a menu selection.

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Claim 6 (Finally Rejected) The method of claim 5, further comprising transmitting a connect packet from a client to a router device, said connect packet being based on said selected application.

Claim 7 (Finally Rejected) The method of claim 6, wherein when said network interface is on, said method further comprises allowing access to a desired content.

Claim 8 (Finally Rejected) The method of claim 6, further comprising transmitting a status packet from said router device to said client.

Claim 9 (Finally Rejected) The method of claim 8, further comprising updating a status of said router device in a state table.

Claim 11 (Finally Rejected) The method of claim 1, wherein said call detail record comprising information relating to at least one of a time, an Internet protocol address and a status.

Claim 12 (Finally Rejected) The method of claim 1, further comprising transmitting a disconnect packet from a client to a router device.

Claim 13 (Finally Rejected) The method of claim 12, further comprising transmitting a status packet from said router device to said client.

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Claim 14 (Finally Rejected) The method of claim 13, further comprising updating a status of said router device in a state table.

Claim 15 (Finally Rejected) The method of claim 1, further comprising displaying call detail record information based on information relating to said time-based bill.

Claim 16 (Finally Rejected) A method comprising:

- connecting a client with a content provider of a desired content;
- obtaining said desired content from said content provider;
- disconnecting said client from said content provider;
- determining an amount of time said client is connected to said content provider;
- storing information at the client related to the determined amount of time;
- and
- providing, from the client, the stored information to a billing system.

Claim 17 (Finally Rejected) The method of claim 16, wherein determining said amount of time comprises:

- determining when a network interface to said content provider is turned on;

- determining when said network interface to said content provider is turned off; and storing information relating to a time-based bill based on when the network interface is turned on and when the network interface is turned off.

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Claim 18 (Finally Rejected) The method of claim 16, wherein obtaining said desired content comprises encrypting said desired content, transmitting said encrypted desired content from said content provider across a network and decrypting said encrypted desired content.

Claim 19 (Finally Rejected) The method of claim 16, wherein connecting said client with said content provider comprises transmitting a connect packet from said client to a router device.

Claim 20 (Finally Rejected) The method of claim 19, further comprising transmitting a status packet from said router device to said client.

Claim 21 (Finally Rejected) The method of claim 20, further comprising updating a status of said router device in a state table.

Claim 22 (Finally Rejected) The method of claim 16, wherein the stored information comprises a call detail record.

Claim 23 (Finally Rejected) The method of claim 22, wherein said call detail record comprising information relating to at least one of a time, an Internet protocol address and a status.

Claim 24 (Finally Rejected) The method of claim 16, wherein disconnecting said client from said content provider comprises transmitting a disconnect packet from said client to a router device.

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Claim 25 (Finally Rejected) The method of claim 24, wherein disconnecting said client further comprises transmitting a status packet from said router device to said client.

Claim 26 (Finally Rejected) The method of claim 25, further comprising updating a status of said router device in a state table.

Claim 27 (Finally Rejected) The method of claim 16, further comprising displaying call detail record information.

Claim 28 (Finally Rejected) The method of claim 16, wherein said desired content relates to a video file.

Claim 29 (Finally Rejected) A method of billing for access to a desired content across a network, said method comprising:

communicating with a network device to obtain access to said desired content;

obtaining said desired content across said network device;

communicating with said network device to terminate access to said desired content; and

storing information relating to said communicating with said network device in the client memory.

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Claim 30 (Finally Rejected) The method of claim 29, wherein said stored information relates to when a network interface associated with said network device is turned on and when said network interface is turn off.

Claim 31 (Finally Rejected) The method of claim 29, wherein obtaining said desired content comprises encrypting said desired content, transmitting said encrypted desired content across said network, and decrypting said encrypted desired content.

Claim 32 (Finally Rejected) The method of claim 29, wherein said desired content relates to a video file.

Claim 33 (Finally Rejected) The method of claim 29, wherein communicating with said network device to obtain access comprises transmitting a connect packet from a client to a router device.

Claim 34 (Finally Rejected) The method of claim 29, further comprising transmitting a call detail record from a client to a billing module based on said stored information.

Claim 35 (Finally Rejected) The method of claim 29, wherein communication with said network device to terminate access comprises transmitting a disconnect packet from a client to a router device.

Claim 36 (Finally Rejected) A program storage device readable by machine, tangibly embodying a program of instructions executable by the

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machine to perform a method of billing usage over a network, said method comprising:

- determining when a network interface is turned on at a client system;
- determining when said network interface is turned off at the client system;
- storing, at the client system, information relating to a time-based bill based on when the network interface is turned on and when the network interface is turned off; and
- providing, from the client system, the stored information to a billing system.

Claim 37 (Finally Rejected) A computer system comprising at least one processing unit, at least one input device, at least one output device and at least one storage device, said storage device tangibly embodying a program of instructions executable by the processing unit to perform a method of billing usage over a network, said method comprising:

- determining when a network interface is turned on;
- determining when said network interface is turned off;
- storing, at the computer system, information relating to a time-based bill based on when the network interface is turned on and when the network interface is turned off; and
- providing the stored information to a billing system.

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Evidence Appendix

None

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Related Proceedings Appendix

None